REMARKS

Examiner Puttlitz is sincerely thanked for the helpful telephone conference held on October 21, 2005, at which the proposed amendment sent by telefax on September 15, 2005 was discussed. It is believed that agreement was reached during the interview that the amendments to claim 1 clarify that the claim recites the reaction being commenced with an excess of one or the other of acetic an hydride or isobutyric acid, and the remainder of these reactants which is not in excess is added during the course of the reaction until the desired overall molar ratio of reactants is reached.

The Examiner is also sincerely thanked for indicating withdrawal of the rejections under 35 U.S.C §112 made previously. See page 2 of the Office Action of June 17, 2005. The only issue remaining in that Office Action, accordingly, is the rejection of all claims under 35 U.S.C §103.

Claims 1 - 11 have been rejected under 35 U.S.C §103 over Hurtel et al. '239 taken with EP 004,641 (Dankert et al.). Reconsideration of this rejection is again respectfully requested. As will be recalled, Hurtel discloses a process for the preparation of (meth)acrylic anhydride, in which process acetic anhydride is reacted with (meth)acrylic acid, in the presence of at least one polymerization inhibitor, in a reactor surmounted by a distillation column. See column 1, lines 28 - 32. Patentees indicate that the initial molar ratio of (meth)acrylic acid to acetic anhydride is between 2.05 and 5, that acetic acid formed during the reaction is drawn off, and that at least one polymerization inhibitor is gradually introduced at the top of the distillation column during the reaction and during the distillation. Patentees finally indicate that the polymerization inhibitor is diluted in an organic solvent; preferably, in acetic acid during the reaction and in (meth)acrylic anhydride during the distillation. See column 1, lines 38 - 46. Leaving aside, for the moment, the fact that the disclosed reaction produces (meth)acrylic anhydride and not isobutyric anhydride, it is apparent that the disclosed reaction also differs from the present claims in at least one extremely important aspect. Specifically, patentees teach starting the reaction with excess (meth)acrylic acid, and adding, during the reaction, polymerization inhibitor diluted in acetic acid. It is assumed that the organic solvent being added with the polymerization inhibitor is being argued in the Office Action to read on the claimed addition of the non-excess reactant, in

the present claims. However, acetic acid is not a non-excess reactant in either Hurtel, or in the process presently claimed.

It is noted that Hurtel shifts, during the distillation, to dilution of the polymerization inhibitor in the product, (meth)acrylic anhydride. Again, addition of the product is *not* addition of the non-excess reactant as presently claimed. Moreover, it appears, at this point in the reference, the reaction is actually complete.

Accordingly, it is clear patentees fail to suggest at least this one important feature of the present claims; specifically, that the reaction is begun with an excess of one reactant, and the deficient reactant is supplied during the reaction as the acetic acid by product is distilled off. In the absolute absence of the teaching of such a concept, Hurtel fails to suggest these important process features. Indeed, Hurtel appears to teach away from such concept, since the addition of acetic acid as a diluent for the polymerization inhibitor is counter to distillation of acetic acid byproduct *during* the reaction, as presently claimed.

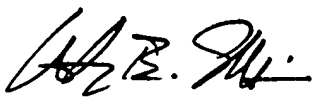
The Office Action combines Hurtel with Dankert in order to argue that it is obvious to rearrange the reaction so as to react acetic anhydride and isobutyric acid, to produce isobutyric anhydride, instead of reacting acetic anhydride with (meth)acrylic acid to produce (meth)acrylic anhydride, as taught in Hurtel. Regardless of whether such a rearrangement would be obvious (Applicants have no comment thereon at this point) it is clear that the significant deficiency of Hurtel, as noted above, would fail to suggest the presently claimed process *even if* such a rearrangement was made: the comparable process would still be adding acetic acid and/or product during the reaction, and presumably not simultaneously conducting distillation. Accordingly, it is respectfully submitted that the difference between the process of the references, even in combination, is more than that described at page 4 of the Office Action where it is argued that the difference is simply the preparation of methacrylic and hydride, versus the preparation of isobutyric acid.

It is accordingly respectfully submitted that the cited references do not suggest the presently claimed method under 35 U.S.C §103, and withdrawal of the rejection is respectfully requested.

Should the Examiner have any questions, or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: ATOCM-350

Date: November 3, 2005

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